



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.08.2015

C O R A M

THE HONOURABLE MR.JUSTICE T.RAJA

Writ Petition (MD)No.14031 of 2015

P.Perumal

.. Petitioner

Vs.

1.The Agricultural Production Commissioner and
Principal Secretary to Government,
Agricultural Department,
Secretariat,
Chennai 09.

2.The Commissioner of Horticulture
and Plantation Crops,
Chepauk,
Chennai - 600 005.

..Respondents

Prayer : Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus directing the first respondent i.e., the Agricultural Production Commissioner and Principal Secretary to Government, Chennai to dispose of the disciplinary proceedings initiated by the Commissioner of Horticulture and Plantation Crops, Chennai in his charge memo No.DCS2/16965/13 dated 08.05.2014 by passing appropriate orders on merits and in accordance with law within a specified time frame that may be fixed by this Hon'ble High Court and pass such other orders as may be deemed fit and proper in the circumstances of the case and render justice.

For Petitioner : Mr.S.Visvalingam
For Respondent : Mr.S.Sadeshkumar A.G.P.

ORDER

The petitioner/P.Perumal has filed the present writ petition seeking issuance of a Writ of Mandamus directing the first respondent i.e., the Agricultural Production Commissioner and Principal Secretary to Government, Chennai, to dispose of the disciplinary proceedings initiated by the second respondent, the Commissioner of Horticulture and Plantation Crops, Chennai, in respect of the charge memo No.DCS2/16965/13 dated 08.05.2014.

2. Mr.S.Sadeshkumar, learned Additional Government Pleader takes notice for the respondents.

<https://hcservices.ecourts.gov.in/hcservices/>

3. By consent, this Writ Petition itself is taken up for final disposal at the admission stage itself.



4. The petitioner was lastly serving as Deputy Horticulture Officer, Ponnamaravathi, Pudukkottai District under the control of Deputy Director of Horticulture, Pudukkottai. He suffered the departmental proceedings initiated against him under Rule 17(b) of Tamil Nadu Civil Services (Discipline and Appeal) Rules by the Commissioner of Horticulture, Chennai in his memo No.DCS2/16965/13 dated 08.05.2014. He has submitted his explanation on 23.05.2014. Consequently, all the process are over except passing orders by the first respondent. In the meantime, he reached the age of superannuation on 31.05.2014. Therefore, he was allowed to retire from service with effect from 31.05.2014 without prejudice to the above said disciplinary proceedings pending against him.

5. In the above scenario, the grievance of the petitioner is that the Assistant Director of Horticulture, Pudukkottai, who was appointed as Enquiry Officer, completed the enquiry and sent his report to the Government and consequently, the petitioner also submitted a further representation to the Enquiry Officer on 15.12.2014. Therefore, the first respondent has to pass the appropriate order considering the explanation submitted by the petitioner along with the report of the Enquiry Officer and further representation submitted by the petitioner.

6. Heard both sides.

7. Considering the fact that the enquiry was already over and report was also submitted and thereafter, a further representation also has been submitted by the petitioner, this Court directs the first respondent to consider the pending enquiry proceedings in No.DCS2/16965/13 dated 08.05.2014 initiated against the petitioner and pass orders on merits and in accordance with law, within a period of two months from the date of receipt of a copy of this order.

8. With the above direction, this Writ Petition stands disposed of. No costs.

Skn

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1.The Agricultural Production Commissioner and Principal Secretary to Government, Agricultural Department, Secretariat, Chennai 09.

2.The Commissioner of Horticulture and Plantation Crops, Chepauk, Chennai - 600 005.

1CC to M/S.S. Visvalingam, Advocate, SR.No. 44338

1CC to The Special Government Pleader, SR.No.44922

Writ Petition (MD)No.14031 of 2015
06.08.2015

2P/5C

AM/AN.MP/LIB/31.08.2015.